

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ALEX HAMPTON, et al.,)
Plaintiffs,)
vs.) Case No. 4:10CV2328 CDP
DONALD DANFORTH PLANT)
SCIENCE CENTER)
Defendant.)

MEMORANDUM AND ORDER

This matter is before me on defendant Donald Danforth Plant Science Center's motion for summary judgment. On December 13, 2010, plaintiffs Alex Hampton and William Hampton filed a one count complaint alleging that the Danforth Center had failed to promote them from part-time security officers to full-time security officers based on their race. On November 14, 2011, a stipulation of dismissal was filed as to William Hampton, who had resolved his claim by reaching a settlement. On December 20, 2011, defendant filed this motion for summary judgment as to Alex Hampton.

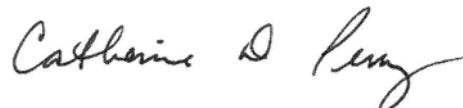
Alex Hampton has failed to respond to the motion for summary judgment and the time for filing his opposition has passed. After the time for response had passed, defendant filed a notice indicating that plaintiff had promised them he would respond several times, but had not done so. Even, now, more than ten days

after that notice was filed, plaintiff has made no attempt to oppose the motion or seek an extension of time to file a response.

The facts contained in defendant's statement of uncontroverted facts, when taken as true, demonstrate that Alex Hampton cannot make out a *prima facie* case of race discrimination. *See* Local Rules for the United States District Court for the Eastern District of Missouri, Local Rule No. 4.01(E) ("All matters set forth in the statement of the movant shall be deemed admitted for purposes of summary judgment unless specifically controverted by the opposing party."). As such, I will grant the motion for summary judgment.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion for summary judgment [#30] is granted. A separate judgment in favor of the defendant is entered this same date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 13th day of February, 2012.